

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 Fred Khalilian, derivatively on behalf of  
4 nominal defendant, Monster Products, Inc.,

5 Plaintiff

6 v.

7 Monster Products, Inc., et al.,

8 Defendants

Case No. 2:19-cv-00831-JAD-BNW

**Order Dismissing Case**

[ECF Nos. 15, 16, 18, 19, 21]

9 Nominal Defendant Monster Products, Inc. moves to dismiss this putative shareholder  
10 derivative action filed by Fred Khalilian.<sup>1</sup> The deadline to oppose that motion passed without  
11 response. Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points and  
12 authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for  
13 attorney’s fees, constitutes a consent to the granting of the motion.” I apply Local Rule 7-2(d)  
14 and deem plaintiff’s failure to oppose this motion as his consent to granting it. Accordingly, IT  
15 IS HEREBY ORDERED that **Monster Products, Inc.’s Motion to Dismiss** Shareholder  
16 Derivative Complaint Under Fed. R. Civ. P. 23.1 and 12(b)(6) [ECF Nos. 16, 18] is  
17 **GRANTED. This case is DISMISSED in its entirety.**

18 Also pending is Khalilian’s counsel’s motion to withdraw.<sup>2</sup> Good cause appearing, IT IS  
19 FURTHER ORDERED that Khalilian’s unopposed motion to withdraw [ECF No. 19] is  
20 **GRANTED.** The Clerk of Court is directed to SEND a copy of this order to Fred Khalilian at  
21 6245 Wilshire Blvd., Los Angeles, CA, 90048, and CLOSE THIS CASE.

22  
23 <sup>1</sup> ECF Nos. 16, 18 (corrected image).

<sup>2</sup> ECF No. 19.

1 IT IS FURTHER ORDERED that Khalilian's motion to extend time to respond to the  
2 court's notice of intent to dismiss under FRCP 4m<sup>3</sup> [ECF No. 15] is **DENIED** as moot because  
3 this case is being dismissed based on Monster's motion to dismiss, not based on FRCP 4m.  
4 Monster's motion to stay discovery [ECF No. 21] is **DENIED** as moot, too.

5 Dated: November 18, 2019

6   
7 \_\_\_\_\_  
8 U.S. District Judge Jennifer A. Dorsey  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

\_\_\_\_\_  
<sup>3</sup> ECF No. 14.